

University of Baltimore School of Law

GRADE APPEAL RULES AND PROCEDURES

(Adopted on March 12, 1998;

Amended February 22, 2006, November 30, 2010, April 13, 2016 and January 24, 2018)

I. GRADING POLICY

There are several different mechanisms for evaluating a student's work, including examinations, classroom participation, papers, and performance in a clinical or simulation course. For all of these, students have the right to a grade that is based on their actual course performance as compared to an articulated standard applied to all those taking the course. Grading, however, is not and cannot be an exact science. The rights under this policy, therefore, are limited to ensuring that students receive the faculty member's good faith evaluation of their work. Moreover, in order for the protection of anonymous grading to be meaningful, students do not have the right to negotiate with a faculty member for a higher grade once an examination has been graded.

II. GRADING STANDARDS

- A. A professor shall have a written uniform, identifiable standard which shall be applied to all examination answers and other student work used to calculate any part of a student's grade in the course. This standard may, but need not, quantify the precise allocation of points used to calculate the grade. A written copy of this standard must be shown, upon request, to the students who were graded under that standard.
- B. Grading student work other than examinations, such as papers, performance in a clinical or simulation course, and classroom participation, requires far greater flexibility. Accordingly, the uniform, identifiable standard for such work may be much more general than for examinations.
- C. A professor must keep for one year, from the date grades are posted on MyUB, some record from which he or she can inform the student of the manner in which the student was evaluated and graded in the course.

III. GROUNDS FOR CHALLENGING A GRADE

- A. As provided by the policies of the University System of Maryland, the only recognized grounds for challenging a grade are:

1. that a clerical error, such as arithmetic, recording, or actual failure to have read a substantial part of a student's answer, was committed by the faculty member or an administrator, or
2. that the grade was awarded in an arbitrary or capricious manner. Arbitrary and capricious grading is defined as the assignment of a grade without any reasonable basis or on the basis of a standard other than that described in Section II.A.

IV. PROCEDURES FOR CHALLENGING GRADES

- A. A formal written challenge to a law school grade must be filed with the Associate Dean for Academic Affairs within thirty (30) calendar days after the later of the following: the final date on which grades are due to be posted or the date on which the grade is actually posted. All grade challenges must be on an official grade challenge form, available from the Office of Academic Affairs in the Dean's Suite.
- B. Prior to submission of a grade challenge, the student must consult with the faculty member responsible for the grade, as outlined in sections B.1. – B.3, below, and must meet with the Assistant Dean for Students, as outlined in section B.4., below.
 1. The consultation with the faculty member is defined as a substantive discussion of the grade. Such consultation shall include, when feasible, an in-person meeting with the faculty member and a review by the student of the graded bluebook or typed examination or paper along with any other written explanatory material made available by the faculty member, such as the written standard used in the grading process, or model answers. Should an in-person meeting not be reasonably feasible, consultation may be by telephone or electronic means.
 2. If the faculty member is not available for the required consultation for any reason within the thirty (30) day period set forth above, the Associate Dean for Academic Affairs may extend the period for challenging a grade for an additional reasonable period, or may waive the required consultation to permit the student to file the formal challenge.
 3. The purpose of the consultation is for the faculty member to explain the basis of the student's grade. The faculty member is permitted to change a grade only due to clerical error. When submitting a change of grade form to change a student's grade on the basis of a clerical error, a faculty member shall identify with particularity on the change of grade form the nature of the clerical error. The faculty member is not permitted to change a grade on the basis of a review of the quality of the work.

4. In addition to consulting with the faculty member prior to the filing of the challenge, a student must also meet with the Assistant Dean for Students prior to filing the challenge in order to discuss what constitutes appropriate grounds to challenge a grade. This meeting is for advisory purposes only. Nothing said by the Assistant Dean for Students should be taken as agreement that a challenge is valid, nor will it have any effect on the decision of the Associate Dean for Academic Affairs.
- C. After consultation with the faculty member (or waiver of the consultation requirement by the Associate Dean for Academic Affairs), and after meeting with the, Assistant Dean for Students, a student may present a formal written challenge to the grade to the Associate Dean for Academic Affairs, pursuant to Section A, above.
 - D. The student's written challenge shall state:
 1. That the student has complied with the consultation requirement of section IV.A.
 2. Facts, which, if found to be true, would be sufficient to show the basis for the claim of clerical error or for the claim that the grade was awarded in an arbitrary or capricious manner, and
 3. The remedy or resolution sought.
 - E. The Associate Dean for Academic Affairs shall dismiss the grade challenge for failure to state a prima facie case for any of the following reasons:
 1. failure to allege timely compliance with procedural requirements,
 2. failure to allege one of the allowable grounds under section III., or
 3. failure to state sufficient facts for the Associate Dean to determine whether the student has stated a prima facie case for one of the allowable grounds.

If the challenge is dismissed for failure to state a prima facie case, the student may file an amended challenge within ten (10) working days of receiving the notice of dismissal.

- F. The Associate Dean for Academic Affairs shall determine whether the student has complied with the above procedures and whether the student has stated a prima facie case, and, if so, meet with the student (or in the case of a group of students, a chosen representative of the group) and the faculty member. The Associate Dean may determine whether to meet with the student and faculty member together or separately. The Associate Dean may also conduct any necessary further investigation. The Associate Dean shall change a grade that is being challenged or award other appropriate relief, if he or she determines that the original grade is incorrect because of clerical error or was awarded in an arbitrary or capricious manner. At the request of the faculty member, the Associate Dean also has the discretion to decide whether to change a grade due to the discovery of an egregious error in grading, which, in the opinion of the faculty member, would amount to a constructive arbitrary and

capricious grade if unchanged. Within twenty-five (25) working days from the receipt of the written challenge, the Associate Dean for Academic Affairs shall issue a written decision to the student(s) and faculty member. Prior to issuing a decision, the Associate Dean for Academic Affairs shall consult with the Dean and in that consultation the Dean shall review the entire record. The decision issued by the Associate Dean after that consultation shall be the final decision of the School of Law.

V. APPEAL

- A. The student or faculty member may appeal the decision of the Associate Dean to the Dean of the University of Baltimore School of Law in writing within ten (10) working days of receiving the written decision from the Associate Dean.
- B. The only basis for an appeal of a decision of the Associate Dean to the Dean shall be a clear error of substance or procedure by the Associate Dean. The basis for the appeal and the remedy sought must be clearly stated by the student or faculty member.
- C. The Dean, to the extent possible, shall rule on the appeal on the basis of the written submission and the written decision of the Associate Dean.
- D. The Dean shall render a binding, final decision on a grade challenge appeal within twenty (20) working days of receipt of an appeal.

VI. EXCLUSIVITY OF PROCEDURE

These rules state the only grounds and procedures for challenging a grade received in a course at the University of Baltimore School of Law. These rules implement the University of Baltimore Student Policies and Procedures for Grievances by students, are consistent with those grievance procedures, and are based upon student rights protected therein. These rules also implement and are consistent with University System of Maryland policies concerning grade appeals.